

manufacturer or importer registered under section 30141(c) of this title demonstrates otherwise to the Secretary of Transportation; and

(B) the registered importer shall be deemed to be the manufacturer of any motor vehicle that the importer imports or brings into compliance with the standards for an individual under section 30142 of this title.

(2) The Secretary shall publish in the Federal Register notice of any defect or noncompliance under paragraph (1)(A) of this subsection.

(b) FINANCIAL RESPONSIBILITY REQUIREMENT.—The Secretary shall require by regulation each registered importer (including any successor in interest) to provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under sections 30117(b), 30118–30121, and 30166(f) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30147(a)	15:1397(d)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(d); added Oct. 31, 1988, Pub. L. 100–562, §2(b), 102 Stat. 2821.
30147(b)	15:1397(d)(2).	

In this section, the words “(relating to discovery, notification, and remedy of motor vehicle defects)” are omitted as surplus.

In subsection (a)(1)(A), the words “for a motor vehicle” are substituted for “in, or regarding, any motor vehicle” to eliminate unnecessary words.

In subsection (a)(1)(B), the word “compliance” is substituted for “conformity” for consistency in this chapter.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

§ 30161. Judicial review of standards

(a) FILING AND VENUE.—A person adversely affected by an order prescribing a motor vehicle safety standard under this chapter may apply for review of the order by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the order is issued.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the order was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied that the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside the order, and the additional evidence with the court.

(d) CERTIFIED COPIES OF RECORDS OF PROCEEDINGS.—The Secretary shall give any interested person a certified copy of the transcript of the record in a proceeding under this section on request and payment of costs. A certified copy of the record of the proceeding is admissible in a proceeding arising out of a matter under this chapter, regardless of whether the proceeding under this section has begun or becomes final.

(e) FINALITY OF JUDGMENT AND SUPREME COURT REVIEW.—A judgment of a court under this section is final and may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30161(a)	15:1394(a)(1) (1st sentence), (3).	Sept. 9, 1966, Pub. L. 89–563, §105(a)(1)–(5), (b), 80 Stat. 720, 721.
30161(b)	15:1394(a)(1) (2d, last sentences).	
30161(c)	15:1394(a)(2).	
30161(d)	15:1394(b).	
30161(e)	15:1394(a)(4), (5).	

In subsection (a), the words “In a case of actual controversy as to the validity of” and “who will be . . . when it is effective” are omitted as surplus. The words “an order prescribing a motor vehicle safety standard under this chapter” are substituted for “any order under section 1392 of this title” for consistency. The words “apply for review” are added for clarity. The words “The petition must be filed” are substituted for “at any time” for clarity. The text of 15:1394(a)(3) is omitted as surplus because 5:ch. 7 applies unless otherwise stated.

In subsection (b), the words “or other officer designated by him for that purpose” are omitted as surplus because of 49:322(b). The words “in which the order was prescribed” are substituted for “on which the Secretary based his order” for consistency. The words “as provided in section 2112 of title 28” are omitted as surplus.

In subsection (c)(1), the words “in such manner and upon such terms and conditions as to the court may seem proper” are omitted as surplus. The words “is satisfied” are substituted for “shows to the satisfaction of” to eliminate unnecessary words. The words “and to be adduced upon the hearing” are omitted as unnecessary.

In subsection (c)(2), the words “with the court” are substituted for “the return of” for clarity.

In subsection (d), the words “thereof” and “criminal, exclusion of imports, or other” are omitted as surplus. The words “under this section” are substituted for “with respect to the order” for clarity. The word “previously” is omitted as surplus.

In subsection (e), the words “under this section is final and may be reviewed only” are substituted for “affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review” to eliminate unnecessary words. The text of 15:1394(a)(5) is omitted because of rule 43 of the Federal Rules of Appellate Procedure (28 App. U.S.C.).

§ 30162. Petitions by interested persons for standards and enforcement

(a) FILING.—Any interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding—

(1) to prescribe a motor vehicle safety standard under this chapter; or

(2) to decide whether to issue an order under section 30118(b) of this title.

(b) STATEMENT OF FACTS.—The petition must state facts that the person claims establish that

a motor vehicle safety standard or order referred to in subsection (a) of this section is necessary and briefly describe the order the Secretary should issue.

(c) **PROCEEDINGS.**—The Secretary may hold a public hearing or conduct an investigation or proceeding to decide whether to grant the petition.

(d) **ACTIONS OF SECRETARY.**—The Secretary shall grant or deny a petition not later than 120 days after the petition is filed. If a petition is granted, the Secretary shall begin the proceeding promptly. If a petition is denied, the Secretary shall publish the reasons for the denial in the Federal Register.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30162(a)	15:1410a(a).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §124(a)-(d); added Oct. 27, 1974, Pub. L. 93-492, §106, 88 Stat. 1481.
30162(b)	15:1410a(b).	
30162(c)	15:1410a(c).	
30162(d)	15:1410a(d).	

Subsection (a)(1) is substituted for “the issuance of an order pursuant to section 1392 of this title” for clarity and because of the restatement.

In subsection (b), the words “a motor vehicle safety standard” are added because of the restatement. The words “referred to in subsection (a) of this section” are added for clarity. The words “of the substance” are omitted as surplus.

In subsection (c), the words “as he deems appropriate in order” and “or not” are omitted as surplus.

In subsection (d), the words “described in subsection (b) of this section”, “either”, and “requested in the petition” are omitted as surplus.

§ 30163. Actions by the Attorney General

(a) **CIVIL ACTIONS TO ENFORCE.**—The Attorney General may bring a civil action in a United States district court to enjoin—

(1) a violation of this chapter or a regulation prescribed or order issued under this chapter; and

(2) the sale, offer for sale, or introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of a motor vehicle or motor vehicle equipment for which it is decided, before the first purchase in good faith other than for resale, that the vehicle or equipment—

(A) contains a defect related to motor vehicle safety about which notice was given under section 30118(c) of this title or an order was issued under section 30118(b) of this title; or

(B) does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(b) **PRIOR NOTICE.**—When practicable, the Secretary of Transportation shall notify a person against whom a civil action under subsection (a) of this section is planned, give the person an opportunity to present that person’s views, and, except for a knowing and willful violation of this chapter, give the person a reasonable opportunity to remedy the defect or comply with the applicable motor vehicle safety standard pre-

scribed under this chapter. Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.

(c) **VENUE.**—Except as provided in section 30121(d) of this title, a civil action under this section or section 30165(a) of this title may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found.

(d) **JURY TRIAL DEMAND.**—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (a) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) **SUBPENAS FOR WITNESSES.**—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30163(a)	15:1399(a) (1st sentence).	Sept. 9, 1966, Pub. L. 89-563, §110(a), (c), 80 Stat. 723, 724; Oct. 27, 1974, Pub. L. 93-492, §§102(b)(2), 103(c), 88 Stat. 1477, 1478.
	15:1424(b) (related to injunctions).	Sept. 9, 1966, Pub. L. 89-563, §204(b) (related to injunctions), 80 Stat. 729.
30163(b)	15:1399(a) (2d, last sentences).	
30163(c)	15:1399(c).	
30163(d)	15:1399(b).	Sept. 9, 1966, Pub. L. 89-563, §110(b), (d) (related to §110), 80 Stat. 723, 724.
30163(e)	15:1399(d) (related to 15:1399).	

In subsection (a), before clause (1), the text of 15:1424(b) (related to injunctions) is omitted because of the restatement. The words “The Attorney General may bring a civil action” are substituted for “upon petition by . . . the Attorney General” for consistency. The words “the appropriate United States attorney or . . . on behalf of the United States” are omitted as surplus. The words “for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure” are omitted as surplus. In clause (1), the words “a regulation prescribed or order issued under this chapter” are substituted for “(or rules, regulations or orders thereunder)” for clarity and consistency and because “rule” and “regulation” are synonymous. In clause (2), before subclause (A), the words “that the vehicle or equipment” are added for clarity. The words “of such vehicle” and “purposes” are omitted as surplus. In subclause (B), the words “does not comply with” are substituted for “is determined . . . not to conform to” for clarity and consistency.

In subsections (b), (c), and (e), the word “civil” is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b), the words “comply with the applicable motor vehicle safety standard prescribed under this chapter” are substituted for “achieve compliance”, and the words “a court” are added, for clarity.

In subsection (c), the words “any act or transaction constituting the” are omitted as surplus. The word “resides” is substituted for “is an inhabitant” for consistency in the revised title. The words “the action” are substituted for “such cases” for consistency.

In subsection (d), the words “the defendant may demand a jury trial” are substituted for “trial shall be by

the court, or, upon demand of the accused, by a jury” to eliminate unnecessary words and for consistency in the revised title.

In subsection (e), the words “who are required to attend a United States district court” are omitted as surplus. The words “be served in” are substituted for “run into” for clarity.

§ 30164. Service of process

(a) DESIGNATING AGENTS.—A manufacturer offering a motor vehicle or motor vehicle equipment for import shall designate an agent on whom service of notices and process in administrative and judicial proceedings may be made. The designation shall be in writing and filed with the Secretary of Transportation. The designation may be changed in the same way as originally made.

(b) SERVICE.—An agent may be served at the agent's office or usual place of residence. Service on the agent is deemed to be service on the manufacturer. If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Secretary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 968.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30164(a)	15:1399(e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §110(e), 80 Stat. 724.
30164(b)	15:1399(e) (last sentence).	

In subsection (a), the words “A manufacturer offering . . . shall” are substituted for “It shall be the duty of every manufacturer offering . . . to” to eliminate unnecessary words. The words “into the United States”, “all . . . orders, decisions and requirements”, and “for and on behalf of said manufacturer” are omitted as surplus. The words “The designation may be changed in the same way as originally made” are substituted for “which designation may from time to time be changed by like writing, similarly filed” for clarity.

In subsection (b), the words “An agent may be served” are substituted for “Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent” to eliminate unnecessary words. The words “Service on the agent is deemed to be service on the manufacturer” are substituted for “with like effects as if made personally upon said manufacturer”, and the words “If a manufacturer does not designate an agent” are substituted for “and in default of such designation of such agent”, for clarity. The words “of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this subchapter or any standards prescribed pursuant to this subchapter” and “order, requirement or decision” are omitted as surplus.

§ 30165. Civil penalty

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—A person that violates any of section 30112, 30115, 30117 through 30122, 30123(d),¹ 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equip-

ment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$15,000,000.

(2) SCHOOL BUSES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be \$10,000 in the case of—

(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

(ii) a violation of section 30112(a)(2) of this title.

(B) RELATED SERIES OF VIOLATIONS.—A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is \$15,000,000.

(3) SECTION 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is \$5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$15,000,000.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) CONSIDERATIONS.—In determining the amount of a civil penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(d) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 968; Pub. L. 103–429, §6(23), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 106–414, §5(a), Nov. 1, 2000, 114 Stat. 1803; Pub. L. 109–59, title X, §10309(c), Aug. 10, 2005, 119 Stat. 1942.)

HISTORICAL AND REVISION NOTES PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30165(a)	15:1398(a).	Sept. 9, 1966, Pub. L. 89–563, §109(a), 80 Stat. 723; Oct. 27, 1974, Pub. L. 93–492, §103(b), 88 Stat. 1478.
	15:1424(b) (related to civil penalty).	Sept. 9, 1966, Pub. L. 89–563, §§109(b), 110(d) (related to §109), 204(b) (related to civil penalty), 80 Stat. 723, 724, 729.

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30165(b)	15:1398(b) (1st, last sentences).	
30165(c)	15:1398(b) (2d sentence).	
30165(d)	15:1399(d) (related to 15:1398).	

In subsection (a), the text of 15:1424(b) (related to civil penalty) is omitted because of the restatement. The words “is liable to the United States Government for” are substituted for “shall be subject to” for consistency. The words “A separate violation occurs for” are substituted for “Such violation of a provision of section 1397 of this title, or regulations issued thereunder, shall constitute a separate violation with respect to” to eliminate unnecessary words.

In subsection (b)(2), the words “amount of a civil penalty imposed or compromised” are substituted for “amount of such penalty, when finally determined, or the amount agreed upon in compromise” to eliminate unnecessary words.

In subsection (d), the words “who are required to attend a United States district court” are omitted as surplus. The words “be served in” are substituted for “run into” for clarity.

PUB. L. 103-429

This amends 49:30141(c)(4)(A) and 30165(a) to correct erroneous cross-references.

REFERENCES IN TEXT

Section 30123(d) of this title, referred to in subsec. (a)(1), was redesignated section 30123(a) of this title by Pub. L. 105-178, title VII, § 7106(b), June 9, 1998, 112 Stat. 467.

AMENDMENTS

2005—Subsec. (a)(2), (3). Pub. L. 109-59, which directed amendment of section 30165(a), without specifying the title to be amended, by adding par. (2) and redesignating former par. (2) as (3), was executed to this section, to reflect the probable intent of Congress.

2000—Subsec. (a). Pub. L. 106-414 amended heading and text generally. Prior to amendment, text read as follows: “A person that violates any of sections 30112, 30115, 30117-30122, 30123(d), 30125(c), 30127, 30141-30147, or 30166 of this title or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$800,000.”

1994—Subsec. (a). Pub. L. 103-429 substituted “any of sections 30112” for “section 30112” and inserted “any of” before “those sections” in two places.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 30166. Inspections, investigations, and records

(a) **DEFINITION.**—In this section, “motor vehicle accident” means an occurrence associated with the maintenance or operation of a motor vehicle or motor vehicle equipment resulting in personal injury, death, or property damage.

(b) **AUTHORITY TO INSPECT AND INVESTIGATE.**—(1) The Secretary of Transportation may conduct an inspection or investigation—

(A) that may be necessary to enforce this chapter or a regulation prescribed or order issued under this chapter; or

(B) related to a motor vehicle accident and designed to carry out this chapter.

(2) The Secretary of Transportation shall cooperate with State and local officials to the greatest extent possible in an inspection or investigation under paragraph (1)(B) of this subsection.

(c) **MATTERS THAT CAN BE INSPECTED AND IMPOUNDMENT.**—In carrying out this chapter, an officer or employee designated by the Secretary of Transportation—

(1) at reasonable times, may inspect and copy any record related to this chapter;

(2) on request, may inspect records of a manufacturer, distributor, or dealer to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter; and

(3) at reasonable times, in a reasonable way, and on display of proper credentials and written notice to an owner, operator, or agent in charge, may—

(A) enter and inspect with reasonable promptness premises in which a motor vehicle or motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce;

(B) enter and inspect with reasonable promptness premises at which a vehicle or equipment involved in a motor vehicle accident is located;

(C) inspect with reasonable promptness that vehicle or equipment; and

(D) impound for not more than 72 hours a vehicle or equipment involved in a motor vehicle accident.

(d) **REASONABLE COMPENSATION.**—When a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment is inspected or temporarily impounded under subsection (c)(3) of this section, the Secretary of Transportation shall pay reasonable compensation to the owner of the vehicle if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle.

(e) **RECORDS AND MAKING REPORTS.**—The Secretary of Transportation reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, or dealer to make reports, to enable the Secretary to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a recordkeeping requirement on a distributor or dealer in addition to those imposed under subsection (f) of this section and section 30117(b) of this title or a regulation prescribed or order issued under subsection (f) or section 30117(b).

(f) **PROVIDING COPIES OF COMMUNICATIONS ABOUT DEFECTS AND NONCOMPLIANCE.**—A manufacturer shall give the Secretary of Transportation a true or representative copy of each

communication to the manufacturer's dealers or to owners or purchasers of a motor vehicle or replacement equipment produced by the manufacturer about a defect or noncompliance with a motor vehicle safety standard prescribed under this chapter in a vehicle or equipment that is sold or serviced.

(g) ADMINISTRATIVE AUTHORITY ON REPORTS, ANSWERS, AND HEARINGS.—(1) In carrying out this chapter, the Secretary of Transportation may—

(A) require, by general or special order, any person to file reports or answers to specific questions, including reports or answers under oath; and

(B) conduct hearings, administer oaths, take testimony, and require (by subpoena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(h) CIVIL ACTIONS TO ENFORCE AND VENUE.—A civil action to enforce a subpoena or order under subsection (g) of this section may be brought in the United States district court for any judicial district in which the proceeding is conducted. The court may punish a failure to obey an order of the court to comply with a subpoena or order as a contempt of court.

(i) GOVERNMENTAL COOPERATION.—The Secretary of Transportation may request a department, agency, or instrumentality of the United States Government to provide records the Secretary considers necessary to carry out this chapter. The head of the department, agency, or instrumentality shall provide the record on request, may detail personnel on a reimbursable basis, and otherwise shall cooperate with the Secretary. This subsection does not affect a law limiting the authority of a department, agency, or instrumentality to provide information to another department, agency, or instrumentality.

(j) COOPERATION OF SECRETARY.—The Secretary of Transportation may advise, assist, and cooperate with departments, agencies, and instrumentalities of the Government, States, and other public and private agencies in developing a method for inspecting and testing to determine compliance with a motor vehicle safety standard.

(k) PROVIDING INFORMATION.—The Secretary of Transportation shall provide the Attorney General and, when appropriate, the Secretary of the Treasury, information obtained that indicates a violation of this chapter or a regulation prescribed or order issued under this chapter.

(l) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.

(m) EARLY WARNING REPORTING REQUIREMENTS.—

(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

(3) REPORTING ELEMENTS.—

(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Sec-

retary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

(A) SECRETARY'S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

(iii) the manner and form of reporting such information, including in electronic form.

(B) INFORMATION IN POSSESSION OF MANUFACTURER.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.

(n) SALE OR LEASE OF DEFECTIVE OR NON-COMPLIANT TIRE.—

(1) IN GENERAL.—The Secretary shall, within 90 days of the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire

safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

(B) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) applies.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 969; Pub. L. 103-429, §6(24), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104-88, title III, §308(j), Dec. 29, 1995, 109 Stat. 947; Pub. L. 104-287, §6(f)(3), Oct. 11, 1996, 110 Stat. 3399; Pub. L. 106-414, §3(a)-(c), Nov. 1, 2000, 114 Stat. 1800-1802.)

HISTORICAL AND REVISION NOTES

PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30166(a)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(B)).	Sept. 9, 1966, Pub. L. 89-563, §108(a)(1)(B) (related to §112(a)-(c)), (D) (related to §158(a)(1)), (E) (related to §112(a)-(c)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93-492, §103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478.
	15:1401(a)(3)(B).	Sept. 9, 1966, Pub. L. 89-563, §112(a)-(c), 80 Stat. 725; re-stated Oct. 27, 1974, Pub. L. 93-492, §104(a), 88 Stat. 1478.
30166(b)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (1st, last sentences)).	
	15:1401(a)(1) (1st, last sentences).	
30166(c)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(2), (b) (1st sentence 61st-last words), (c)(2)).	
	15:1401(a)(2), (b) (1st sentence 61st-last words), (c)(2).	
30166(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(A)).	
	15:1401(a)(3)(A).	
30166(e)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(b) (1st sentence 1st-60th words, last sentence)).	
	15:1401(b) (1st sentence 1st-60th words, last sentence).	
30166(f)	15:1397(a)(1)(D) (related to 15:1418(a)(1)).	
	15:1418(a)(1).	
30166(g)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(1), (3), (5)).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §158(a)(1); added Oct. 27, 1974, Pub. L. 93-492, §102(a), 88 Stat. 1475.
	15:1401(c)(1), (3), (5).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30166(h)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(4)).	
30166(i)	15:1401(c)(4), 15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(6)).	
30166(j)	15:1396 related to inspecting and testing).	Sept. 9, 1966, Pub. L. 89-563, §107 (related to inspecting and testing), 80 Stat. 721.
30166(k)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (2d sentence)). 15:1401(a)(1) (2d sentence).	

In this section, the words “regulation prescribed or order issued under this chapter” are substituted for “rules, regulations, or orders issued thereunder” and “regulations and orders promulgated thereunder” for consistency and because “rule” and “regulation” are synonymous. The text of 15:1397(a)(1)(B) and (E) (as 1397(a)(1)(B), (E) relates to 15:1401) is omitted as surplus.

In subsection (a), the words “As used” are omitted as surplus. The word “use” is omitted as being included in “operation”.

In subsection (b)(1)(A), the words “this chapter” are substituted for “this subchapter” because of the restatement.

In subsection (b)(1)(B), the words “the facts, circumstances, conditions, and causes of” are omitted as surplus. The words “designed to carry out” are substituted for “which is for the purposes of carrying out” to eliminate unnecessary words.

In subsection (b)(2), the words “making”, “appropriate”, and “consistent with the purposes of this subsection” are omitted as surplus.

In subsection (c), before clause (1), the words “In carrying out this chapter” are substituted for “For purposes of carrying out paragraph (1)” in 15:1401(a)(2) and “In order to carry out the provisions of this subchapter” in 15:1401(c)(2) for clarity and consistency in this chapter. The words “an officer or employee designated by the Secretary of Transportation” are substituted for “officers or employees duly designated by the Secretary” in 15:1401(a)(2), “an officer or employee duly designated by the Secretary” in 15:1401(b), and “his duly authorized agent” in 15:1401(c)(2) for consistency. In clause (1), the words “may inspect and copy” are substituted for “shall . . . have access to, and for the purposes of examination the right to copy” in 15:1401(c)(2) to eliminate unnecessary words. The words “of any person having materials or information . . . any function of the Secretary under” are omitted as surplus. In clause (2), the word “may” is substituted for “permit such officer or employee to” in 15:1401(b) because of the restatement. The words “appropriate” and “relevant” are omitted as surplus. In clause (3)(A)–(C), the words “inspect with reasonable promptness” are substituted for 15:1401(a)(2) (last sentence) to eliminate unnecessary words and for consistency. In clause (3)(A), the word “premises” is substituted for “factory, warehouse, or establishment” for consistency. In clause (3)(D), the words “not more than” are substituted for “a period not to exceed” for consistency.

In subsection (d), the words “for the purpose of inspection” and “the authority of” are omitted as surplus. The words “is inspected or temporarily impounded under subsection (c)(3) of this section” are substituted for “Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection” for clarity and to correct the cross-reference in the source provision. The words “to its owner” are omitted as surplus.

In subsection (e), the words “establish and” are omitted as surplus. The words “This subsection does not impose” are substituted for “Nothing in this subsection shall be construed as imposing” for consistency and to eliminate unnecessary words.

In subsection (f), the words “notices, bulletins, and other” are omitted as surplus. The words “with a motor vehicle safety standard prescribed under this chapter” are added for clarity. The text of 15:1397(a)(1)(D) (related to 15:1418(a)(1)) is omitted as surplus.

In subsection (g)(1), before clause (A), the words “or on the authorization of the Secretary, any officer or employee of the Department of Transportation” are omitted as surplus because of 49:322(b). In clause (A), the words “in writing”, “in such form as the Secretary may prescribe”, “relating to any function of the Secretary under this subchapter”, and “shall be filed with the Secretary within such reasonable period as the Secretary may prescribe” are omitted as surplus. In clause (B), the words “sit and act at such times and places” are omitted as being included in “conduct hearings”. The word “records” is substituted for “such books, papers, correspondence, memorandums, contracts, agreements, or other records” for consistency in the revised title and with other titles of the United States Code.

In subsection (h), the words “A civil action to enforce a subpoena or order . . . may be brought in the United States district court for the judicial district in which the proceeding is conducted” are substituted for “any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena or order of the Secretary or such officer or employee . . . issue an order requiring compliance therewith” for clarity and to eliminate unnecessary words. The words “an order of the court to comply with a subpoena or order” are substituted for “such order of the court” for clarity.

In subsection (i), the words “United States” are substituted for “Federal” for consistency. The words “to provide” are substituted for “from” because of the restatement. The words “his functions under” are omitted as surplus. The words “head of the” are added for consistency. The words “to the Department of Transportation . . . made by the Secretary” are omitted as surplus. The words “detail personnel on a reimbursable basis” are substituted for 15:1401(c)(6)(B) to eliminate unnecessary words and because of the restatement. The word “otherwise” is added for clarity. The words “be deemed to” and “provision of” are omitted as surplus.

In subsection (j), the words “departments, agencies, and instrumentalities of the Government, States, and other public and private agencies” are substituted for “other Federal departments and agencies, and State and other interested public and private agencies” for consistency.

In subsection (k), the words “for appropriate action” are omitted as surplus.

PUB. L. 103-429

This amends 49:30166(h) to clarify the restatement of 15:1401(c)(4) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 970).

REFERENCES IN TEXT

The date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, referred to in subsecs. (m)(1) and (n)(1), is the date of enactment of Pub. L. 106-414, which was approved Nov. 1, 2000.

AMENDMENTS

2000—Subsecs. (l) to (n). Pub. L. 106-414 added subsecs. (l) to (n).

1996—Subsec. (d). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 104-88, § 308(j). See 1995 Amendment note below.

1995—Subsec. (d). Pub. L. 104-88, § 308(j), as amended by Pub. L. 104-287, substituted “subchapter I of chapter 135” for “subchapter II of chapter 105”.

1994—Subsec. (h). Pub. L. 103-429 substituted “any judicial district” for “the judicial district”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(f)(3) of Pub. L. 104-287 provided that the amendment made by that section is effective Dec. 29, 1995.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 30167. Disclosure of information by the Secretary of Transportation

(a) CONFIDENTIALITY OF INFORMATION.—Information obtained under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only in the following ways:

(1) to other officers and employees carrying out this chapter.

(2) when relevant to a proceeding under this chapter.

(3) to the public if the confidentiality of the information is preserved.

(4) to the public when the Secretary of Transportation decides that disclosure is necessary to carry out section 30101 of this title.

(b) DEFECT AND NONCOMPLIANCE INFORMATION.—Subject to subsection (a) of this section, the Secretary shall disclose information obtained under this chapter related to a defect or noncompliance that the Secretary decides will assist in carrying out sections 30117(b) and 30118-30121 of this title or that is required to be disclosed under section 30118(a) of this title. A requirement to disclose information under this subsection is in addition to the requirements of section 552 of title 5.

(c) INFORMATION ABOUT MANUFACTURER'S INCREASED COSTS.—A manufacturer opposing an action of the Secretary under this chapter because of increased cost shall submit to the Secretary information about the increased cost, including the manufacturer's cost and the cost to retail purchasers, that allows the public and the Secretary to evaluate the manufacturer's statement. The Secretary shall evaluate the information promptly and, subject to subsection (a) of this section, shall make the information and evaluation available to the public. The Secretary shall publish a notice in the Federal Register that the information is available.

(d) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 970.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30167(a)	15:1397(a)(1)(B) (related to 15:1401(e) (1st sentence)), (D) (related to 15:1418(a)(2)(B)), (E) (related to 15:1401(e) (1st sentence)). 15:1401(e) (1st sentence). 15:1402(b)(2) (1st sentence). 15:1418(a)(2)(B).	Sept. 9, 1966, Pub. L. 89-563, §108(a)(1)(B) (related to §112(e)), (D) (related to §158(a)(2)), (E) (related to §112(e)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93-492, §103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478. Sept. 9, 1966, Pub. L. 89-563, §112(e), 80 Stat. 725; Oct. 27, 1974, Pub. L. 93-492, §104(b), 88 Stat. 1480. Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §113; added Oct. 27, 1974, Pub. L. 93-492, §105, 88 Stat. 1480. Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §158(a)(2); added Oct. 27, 1974, Pub. L. 93-492, §102(a), 88 Stat. 1476.
30167(b)	15:1397(a)(1)(D) (related to 15:1418(a)(2)(A), (C)).	
30167(c)	15:1418(a)(2)(A), (C). 15:1402(a), (b)(1), (c)-(e).	
30167(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(e) (last sentence)). 15:1401(e) (last sentence). 15:1402(b)(2) (last sentence).	

In this section, the text of 15:1397(a)(1)(B) (related to 15:1401(e)), (D) (related to 15:1418(a)(2)), and (E) (related to 15:1401(e)) is omitted as surplus.

In subsection (a), before clause (1), the words “Except as otherwise provided in section 1418(a)(2) and section 1402(b) of this title” in 15:1401(e) (1st sentence) are omitted, and the words “Information obtained under this chapter related to a confidential matter” are substituted for “all information reported to or otherwise obtained by the Secretary or his representative pursuant to this subchapter which information contains or relates to a trade secret or other matter” in 15:1401(e) (1st sentence) and “described in subparagraph (A)” in 15:1418(a)(2)(B), because of the restatement. The words “shall be considered confidential for the purpose of that section” are omitted as surplus. The words “may be disclosed only in the following ways” are substituted for “except that such information may be disclosed” in 15:1401(e) (1st sentence) and 15:1402(b)(2) (1st sentence) and “and shall not be disclosed; unless” in 15:1418(a)(2)(B) to eliminate unnecessary words. Clause (3) is substituted for 15:1402(b)(2) (1st sentence words before 2d comma) to eliminate unnecessary words.

In subsection (b), the words “Subject to” are substituted for “Except as provided in” for consistency. The words “to the public so much of any” and “which is” are omitted as surplus. The words “which relates to motor vehicle safety” and “with an applicable Federal motor vehicle safety standard” are omitted because of the restatement. The words “the purposes of” and “and not in lieu of” are omitted as surplus.

In subsection (c), the words “For purposes of this section, the term ‘cost information’ means” and “such cost information” are omitted because of the restatement. The words “alleged”, “both”, and “resulting from action by the Secretary, in such form” are omitted as surplus. The words “Such term includes” are omitted because of the restatement. The words “to evaluate” are substituted for “to make an informed judgment” to eliminate unnecessary words and for consistency in the subsection. The words “(in such detail as the Secretary may by regulation or order prescribe)” are omitted as surplus because of 49:322(a). The word “thereafter” is omitted as surplus. The word “evaluate” is substituted for “prepare an evaluation of” to eliminate unnecessary words. The words “The Secretary” are added for clarity. The text of 15:1402(d) is

omitted as surplus because of 49:322(a). The text of 15:1402(e) is omitted as surplus because of the restatement.

In subsection (d), the words “by the Secretary or any officer or employee under his control” and “duly” are omitted as surplus. The words “to have the information” are added for clarity.

§ 30168. Research, testing, development, and training

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation shall conduct research, testing, development, and training necessary to carry out this chapter. The research, development, testing, and training shall include—

(A) collecting information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

- (i) accidents involving motor vehicles; and
- (ii) the occurrence of death or personal injury resulting from those accidents;

(B) obtaining experimental and other motor vehicles and motor vehicle equipment for research or testing; and

(C) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and crediting the proceeds to current appropriations available to carry out this chapter.

(2) The Secretary may carry out this subsection through grants to States, interstate authorities, and nonprofit institutions.

(b) USE OF PUBLIC AGENCIES.—In carrying out this chapter, the Secretary shall use the services, research, and testing facilities of public agencies to the maximum extent practicable to avoid duplication.

(c) FACILITIES.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than \$100,000 for planning, design, or construction may be made only if the planning, design, or construction is approved by substantially similar resolutions by the Committees on Commerce and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. To obtain that approval, the Secretary shall submit to Congress a prospectus on the proposed facility. The prospectus shall include—

- (1) a brief description of the facility being planned, designed, or built;
- (2) the location of the facility;
- (3) an estimate of the maximum cost of the facility;
- (4) a statement identifying private and public agencies that will use the facility and the contribution each agency will make to the cost of the facility; and
- (5) a justification of the need for the facility.

(d) INCREASING COSTS OF APPROVED FACILITIES.—The estimated maximum cost of a facility approved under subsection (c) of this section may be increased by an amount equal to the percentage increase in construction costs from the date the prospectus is submitted to Congress. However, the increase in the cost of the facility

may not be more than 10 percent of the estimated maximum cost included in the prospectus. The Secretary shall decide what increase in construction costs has occurred.

(e) AVAILABILITY OF INFORMATION, PATENTS, AND DEVELOPMENTS.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public. However, the owner of a background patent may not be deprived of a right under the patent.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 971; Pub. L. 104–287, §5(58), Oct. 11, 1996, 110 Stat. 3394.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30168(a)	15:1395(a), (b).	Sept. 9, 1966, Pub. L. 89–563, §§106, 118, 80 Stat. 721, 728.
30168(b)	15:1406.	
30168(c)	15:1431(a).	Sept. 9, 1966, Pub. L. 89–563, §301, 80 Stat. 729; restated May 22, 1970, Pub. L. 91–265, §7, 84 Stat. 263.
30168(d)	15:1431(b).	
30168(e)	15:1395(c).	

In subsection (a)(1), before clause (A), the words “the purposes of” and “but not limited to” are omitted as surplus. In clause (A), before subclause (i), the words “from any source” are omitted as surplus. In clause (B), the words “(by negotiation or otherwise)” and “purposes” are omitted as surplus. In clause (C), the word “crediting” is substituted for “reimbursing” because it is more appropriate. The words “of such sale or disposal” and “the purposes of” are omitted as surplus.

In subsection (a)(2), the words “conduct research, testing, development, and training as authorized to be . . . for the conduct of such research, testing, development, and training” are omitted as surplus. The word “authorities” is substituted for “agencies” for consistency.

In subsection (b), the words “in order” are omitted as surplus.

In subsection (c), before clause (1), the word “suitable” is omitted as surplus. The word “testing” is substituted for “compliance and other testing” to eliminate unnecessary words. The words “An expenditure of more than \$100,000 . . . may be made only” are substituted for “except that no appropriation shall be made . . . involving an expenditure in excess of \$100,000” as being more precise and to eliminate unnecessary words. The words “substantially similar resolutions” are substituted for “resolutions adopted in substantially the same form” to eliminate unnecessary words. The words “Energy and Commerce” are substituted for “Interstate and Foreign Commerce”, and the words “Public Works and Transportation” are substituted for “Public Works”, to conform to the amendments made to House Rule X changing the names of those committees. The words “Commerce, Science, and Transportation” are substituted for “Commerce”, and the words “Environment and Public Works” are substituted for “Public Works”, to conform to the amendments made to Senate Rule XXV changing the names of those committees. The words “To obtain that” are substituted for “For the purpose of securing consideration of such” to eliminate unnecessary words. The words “The prospectus shall include” are substituted for “including” for clarity. The words “(but not limited to)” are omitted as surplus. In clause (5), the words “statement of” are omitted as surplus.

In subsection (d), the words “if any” are omitted as surplus. The words “in the cost of the facility” are sub-

stituted for “authorized by this subsection”, and the words “The Secretary shall decide what increase in construction costs has occurred” are substituted for “as determined by the Secretary”, for clarity.

In subsection (e), the words “United States Government” are substituted for “Federal” for consistency. The words “arrangement for the activity” are substituted for “contract, grant, or other arrangement for such research or development activity”, and the words “patents, and developments” are substituted for “uses, processes, patents, and other developments”, to eliminate unnecessary words. The words “encouraging motor vehicle safety”, “effective”, “fully and freely”, and “general” are omitted as surplus. The word “However” is added for clarity. The words “may not be” are substituted for “Nothing herein shall be construed to” for consistency. The words “which he may have” are omitted as surplus.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-287 substituted “Committees on Commerce and Transportation and Infrastructure” for “Committees on Energy and Commerce and Public Works and Transportation”.

§ 30169. Annual reports

(a) GENERAL REPORT.—The Secretary of Transportation shall submit to the President to submit to Congress on July 1 of each year a report on the administration of this chapter for the prior calendar year. The report shall include—

- (1) a thorough statistical compilation of accidents and injuries;
- (2) motor vehicle safety standards in effect or prescribed under this chapter;
- (3) the degree of observance of the standards;
- (4) a summary of current research grants and contracts and a description of the problems to be considered under those grants and contracts;
- (5) an analysis and evaluation of research activities completed and technological progress achieved;
- (6) enforcement actions;
- (7) the extent to which technical information was given the scientific community and consumer-oriented information was made available to the public; and
- (8) recommendations for legislation needed to promote cooperation among the States in improving traffic safety and strengthening the national traffic safety program.

(b) REPORT ON IMPORTING MOTOR VEHICLES.—Not later than 18 months after regulations are first prescribed under section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, the Secretary shall submit to Congress a report of the actions taken to carry out subchapter III of this chapter and the effectiveness of those actions, including any testing by the Secretary under section 30146(c)(2) of this title. After the first report, the Secretary shall submit a report to Congress under this subsection not later than July 31 of each year.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 972.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30169(a)	15:1408.	Sept. 9, 1966, Pub. L. 89-563, §120, 80 Stat. 728; May 22, 1970, Pub. L. 91-265, §5, 84 Stat. 263; Oct. 27, 1974, Pub. L. 93-492, §110(b), 88 Stat. 1484.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30169(b)	15:1397 (note).	Oct. 31, 1988, Pub. L. 100-562, §2(e)(4), 102 Stat. 2825.

In subsection (a), before clause (1), the words “prepare and”, “comprehensive”, and “but not be restricted to” are omitted as unnecessary. In clause (1), the words “occurring in such year” are omitted as surplus. In clause (2), the words “in such year” are omitted as surplus. The words “under this chapter” are substituted for “Federal” for consistency in this chapter. In clause (3), the words “applicable Federal motor vehicle” are omitted as surplus. In clause (4), the word “all” is omitted as surplus. In clause (5), the words “including relevant policy recommendations” and “during such year” are omitted as surplus. In clause (6), the words “a statement of . . . including judicial decisions, settlements, or pending litigation during such year” are omitted as surplus. In clause (7), the word “motoring” is omitted as surplus. In clause (8), the words “The report required by subsection (a) of this section shall contain such” are omitted because of the restatement. The words “additional . . . as the Secretary deems” and “several” are omitted as surplus.

REFERENCES IN TEXT

Section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, referred to in subsec. (b), is section 2(e)(1)(B) of Pub. L. 100-562, which was set out as a note under section 1397 of Title 15, Commerce and Trade, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 1st item on page 135 and the 2nd item on page 134 identify reporting provisions which, as subsequently amended, are contained, respectively, in subsecs. (a) and (b) of this section, see section 3003 of Pub. L. 104-66, set out as a note under section 1113 of Title 31, Money and Finance.

§ 30170. Criminal Penalties

(a) CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.—

(1) GENERAL RULE.—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual (as defined in section 1365(g)(3)¹ of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

(2) SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE BLOWERS.—

(A) CORRECTION.—A person described in paragraph (1) shall not be subject to criminal penalties under this subsection if: (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury; and (2) the person corrects any improper reports or failure to report within a reasonable time.

(B) REASONABLE TIME AND SUFFICIENCY OF CORRECTION.—The Secretary shall establish

¹ See References in Text note below.

by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of the enactment of this section.

(C) **EFFECTIVE DATE.**—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

(b) **COORDINATION WITH DEPARTMENT OF JUSTICE.**—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.

(Added Pub. L. 106–414, §5(b)(1), Nov. 1, 2000, 114 Stat. 1803.)

REFERENCES IN TEXT

Section 1365(g)(3) of title 18, referred to in subsec. (a)(1), was redesignated section 1365(h)(3) of title 18 by Pub. L. 107–307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

The date of the enactment of this section, referred to in subsec. (a)(2)(B), is the date of enactment of Pub. L. 106–414, which was approved Nov. 1, 2000.

CHAPTER 303—NATIONAL DRIVER REGISTER

Sec.	
30301.	Definitions.
30302.	National Driver Register.
30303.	State participation.
30304.	Reports by chief driver licensing officials.
30305.	Access to Register information.
30306.	National Driver Register Advisory Committee.
30307.	Criminal penalties.
30308.	Authorization of appropriations.

§ 30301. Definitions

In this chapter—

(1) “alcohol” has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(2) “chief driver licensing official” means the official in a State who is authorized to—

(A) maintain a record about a motor vehicle operator’s license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator’s license issued by the State.

(3) “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) “motor vehicle operator’s license” means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) “participating State” means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) “State” means a State of the United States, the District of Columbia, Puerto Rico,

the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) “State of record” means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 973.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30301	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, §202, 96 Stat. 1740.

In clauses (4) and (5), the words “public streets, roads, or highways” are substituted for “highway” and “‘highway’ means any road or street” for consistency in the revised title.

In clause (4), the words “rail line” are substituted for “rail or rails” for consistency in the revised title.

The definitions of “Secretary”, “Register”, and “Register system” are omitted as surplus because the complete name of the Secretary of Transportation and the National Driver Register are used the first time the terms appear in a section.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION

Pub. L. 109–162, title VIII, §827, Jan. 5, 2006, 119 Stat. 3066, provided that: “In developing regulations or guidance with regard to identification documents, including driver’s licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).”

IMPROVED SECURITY FOR DRIVERS’ LICENSES AND PERSONAL IDENTIFICATION CARDS

Pub. L. 110–177, title V, §508, Jan. 7, 2008, 121 Stat. 2543, provided that:

“(a) **MINIMUM DOCUMENT REQUIREMENTS.**—

“(1) **MINIMUM REQUIREMENTS.**—For purposes of section 202(b)(6) of the REAL ID Act of 2005 [div. B of Pub. L. 109–13] (49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver’s license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual’s address of principle residence.

“(2) **INDIVIDUALS AND INFORMATION.**—The individuals and addresses referred to in paragraph (1) are the following:

“(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

“(B) In the case of a judge of a Federal court, the address of the courthouse.

“(b) **VERIFICATION OF INFORMATION.**—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described